

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 27, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY KNOWN AS 73-4464

HANE STREET, KAILUA KONA,

HAWAII, together with all appurtenances,

fixtures, attachments, and improvements

thereto and thereupon,

Defendant.

No. 4:15-CV-05037-SAB

**FINAL ORDER OF
FORFEITURE**

***U.S. MARSHALS SERVICE
ACTION REQUIRED***

Before the Court is Plaintiff the United States' Motion for Final Order of Forfeiture, ECF No. 103. The United States is represented by Brian Donovan. Claimant The Bruce E. Gilbert and Priscilla J. Gilbert 1998 Trust is represented by Darren Digiaccio and David Gardner. Claimant Hawaii Community Federal Credit Union is represented by Jed Morris. The motion was considered without oral argument.

In June 2015, notice of the forfeiture action was served and posted on the Defendant real property. In July 2015, claims were filed by Claimant Hawaii Community Federal Credit Union and Claimant The Gilbert Trust.

FINAL ORDER OF FORFEITURE ~ 1

1 The claimants and parties stipulated to the forfeiture of the Defendant
2 property in an Interlocutory Sale Stipulation on March 16, 2023. On July 27, 2023,
3 the Court sentenced Mark Wellington Gilbert in criminal case number 4:17-CR-
4 6045-SAB. Mr. Gilbert further agreed to forfeit any interest he held in the subject
5 Defendant real property. Mr. Gilbert stipulated and agreed that the Defendant real
6 property should be subject to interlocutory sale under Federal Supplemental Rule
7 G(7)(b) and that it is directly and civilly forfeitable pursuant to 18 U.S.C.
8 § 981(a)(1)(C) and 18 U.S.C. § 1028(a)(6). The Court accepted the stipulation on
9 August 15, 2023. ECF No. 102.

10 Following the sale of the Defendant real property and distribution of the
11 proceeds in accordance with the Stipulation, the United States retained possession
12 of \$364,170.53 in sale proceeds. It now seeks a Final Order of Forfeiture with
13 respect to those sale proceeds so that it may dispose of the funds and close the
14 matter. The Court grants the motion.

15 Accordingly, **IT IS HEREBY ORDERED:**

16 1. Plaintiff the United States' Motion for Final Order of Forfeiture, ECF
17 No. 103, is **GRANTED**.

18 2. The \$364,170.53 in sale proceeds in the possession of the United
19 States is **hereby forfeited** to the United States of America, and no right, title, or
20 interest shall exist in any other person or entity.

21 3. The Court **DIRECTS** the U.S. Marshals Service to dispose of the
22 forfeited property described herein in accordance with law.

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1 4. The Court shall retain jurisdiction in this case for the purpose of
2 enforcing or amending this Order.

3 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
4 file this Order, provide copies to counsel **AND TO** the U.S. Marshals Service,
5 and keep the file **closed**.

6 **DATED** this 27th day of February 2025.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

13 Stanley A. Bastian
14 Chief United States District Judge
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